



RON CHAPMAN, MD, MPH
Director

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

June 23, 2011

Shaw Environmental and Infrastructure, Inc.
Attn: Mark O. Somerville, Ph.D., CHP, REA
Director
Environment, Safety, Health & Quality
100 Technology Center Dr.
Stoughton, MA 02073

Dear Dr. Somerville:

On April 6, 2011, the California Department of Public Health (CDPH) initiated an investigation of your facilities and operations at the Treasure Island Naval facility as they relate to radiation safety and compliance with the California Code of Regulations (Title 17, CCR) and the California Health and Safety Code. There were numerous follow-up visits and record reviews in support of the investigation. Based on the results of this investigation, CDPH found numerous instances where Shaw Environmental failed to conduct and/or document radiation/contamination surveys to ensure compliance with the requirements of Title 10 Code of Federal Regulations, Part 20, Sections 20.1001-20.2402.

While some of these may be considered to be an oversight, it appears that these occurred with the awareness of staff responsible for performance under the license. It is apparent from these and previous violations, that there is a lack of radiological oversight, practical hands-on experience with environmental radiological projects and methods, basic radiation technology experience, and/or a failure to include the Radiation Safety Officer in production management decisions that effect the Radiological Protection Program at the Treasure Island project.

The Radiological Health Branch considers Violation number 1 to be so serious, that you must correct it immediately. A licensee cannot continue to operate in violation of the regulations or their license.

Due to the significance, severity, and number of violations discovered during this investigation and previous investigations, the Radiological Health Branch is requesting that you and your management attend an office conference with CDPH management to discuss your operations and the measures that you will take to ensure present and

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future compliance with California and Federal regulations. That conference will be arranged after you have had the opportunity to review and respond to these violations.

Posting and response to the enclosed "Notice of Violation" are required as described on the form. You have **20 days** in which to respond from the receipt of this letter. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) the reason for the violation, or if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved.

Sincerely,

A handwritten signature in black ink, appearing to read "Kent Prendergast", with a long horizontal flourish extending to the right.

Kent Prendergast
Chief, Inspection, Compliance and Enforcement Section
Radiologic Health Branch, Richmond

Enclosure

Certified Mail, Return Receipt No.: 70072560000180584423

cc: RHB Sacramento